

From: Beggs, Tauren R - DNR
Sent: Thursday, May 25, 2023 3:23 PM
To: Dave Herrmann
Subject: Remedial Cap Back In Compliance with July 1, 2002 Closure Requirements, 2626 Memorial Drive, Two Rivers, WI (Citgo Express, BRRTS # 03-36-174861)
Attachments: 20230525_99_Cap_Compliance_Ltr.pdf

Hi David,

Attached is DNR's letter detailing that with the completion of the pavement replacement in May 2023, the site is back in compliance with the 2002 case closure requirements.

In addition to the cap maintenance requirements detailed in the letter, the other continuing obligations & closure requirements for this site that still remain in effect are summarized for your reference below.

- Residual soil contamination exists above Wis. Admin. Code ch. NR 720 residual contaminant levels (RCLs)
 - If soil is excavated from the area of remaining contamination in the future, the property owner at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.
- Groundwater contamination is present above Wis. Admin. Code ch. NR 140 enforcement standards.
 - If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval. The DNR's approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at dnr.wi.gov and search "3300-254".
- General Wastewater Permits for Construction Related Dewatering Activities: The DNR's Water Quality Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction. If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at dnr.wi.gov and search "wastewater permits". If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

Please feel free to contact me if you have any questions.

Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tauren R. Beggs

Hydrogeologist & Northeast Region Land Recycling Expert

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

2984 Shawano Ave

Green Bay, WI 54313

Phone: (920) 510-3472

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

dnr.wi.gov



May 25, 2023

David Herrmann
2415 Popp Ln
Brillion, WI 54110
Via Electronic Mail Only to otw160@gmail.com

SUBJECT: Remedial Cap Back In Compliance with July 1, 2002, Closure Requirements
Citgo Express, 2626 Memorial Drive, Two Rivers, WI
BRRTS #: 03-36-174861

Dear Mr. Herrmann:

On May 3, 2023, Behnke & Sons Construction, LLC, completed the replacement of the pavement cap in two areas on the above referenced property where it had been previously removed as part of an underground storage tank (UST) system removal funded by Department of Natural Resources (DNR) in 2017. The DNR contracted with Behnke & Sons Construction, LLC, to complete the pavement work to get the property back in compliance with the continuing obligations of the July 1, 2002, case closure of the environmental contamination case known as Citgo Express. The pavement and building cap on the property as outlined in the deed restriction recorded on June 20, 2002, and Barrier Maintenance Plan dated May 22, 2002, is required to be maintained to minimize the infiltration of rainwater through contaminated soil and prevent direct contact with residual soil contamination. An updated cap inspection log is attached with the current photos of the pavement and building cap. Inspections of the cap should be conducted annually and the inspection log should be kept on file in your records.

In the future, to modify or replace the current surface cap, the property owner must submit a request to the DNR under Wis. Admin. Code ch. NR 727. DNR approval must be obtained before implementation. The replacement or modified cover must be of similar permeability or be protective of the revised use of the property until contaminant levels no longer exceed Wis. Admin. Code ch. NR 720 groundwater pathway residual contaminant levels and direct contact residual contaminant levels (RCLs).

The other continuing obligations for residual soil above RCLs and groundwater contamination above enforcement standards from this case closure also remain in effect. Therefore, you and any future property owners must adhere to all these requirements.

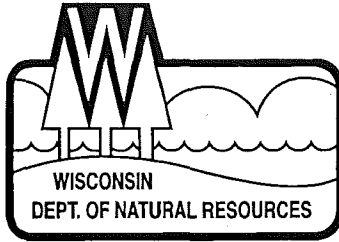
This letter is available in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW). Find BOTW at dnr.wi.gov, search "BOTW." An online map view of the site can also be found on the RR Sites Map (RRSM) at dnr.wi.gov, search "RRSM." If you have any questions regarding this letter, please contact me at (920) 510-3472 or at Tauren.Beggs@wisconsin.gov.

Sincerely,

Tauren R. Beggs
Hydrogeologist
Remediation and Redevelopment Program

Attachments:

- Final Case Closure letter dated July 1, 2002
- Notification of Groundwater Contamination dated January 21, 2002
- Deed Restriction recorded June 20, 2002
- Barrier Maintenance Plan dated May 22, 2002
- Updated Inspection Log (Form 4400-305)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

July 1, 2002

Quality State Oil Co., Inc.
Attn: Mr. Bernard Nowicki
2201 Calumet Drive
P.O. Box 848
Sheboygan, WI 53082-0848

SUBJECT: Final Case Closure By Closure Committee With Conditions Met for the
Citgo Express site, 2626 Memorial Drive, Two Rivers, Wisconsin
WDNR BRRTS # 03-36-174861

Dear Mr. Nowicki:

On March 4, 2002, your site as described above was reviewed for closure by the Northeast Region Closure Committee. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On March 20, 2002, you were notified that the Closure Committee had granted conditional closure to this case.

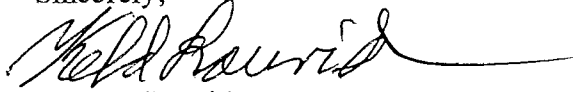
On June 26, 2002, the Department received final correspondence indicating that you have complied with the conditions of closure (GIS registration, monitoring well abandonment, ROW notification & filed deed restriction). Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed on June 26, 2002, and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me in Green Bay at (920) 492-5921.

Sincerely,

A handwritten signature in black ink, appearing to read "Keld Lauridsen", with a long horizontal flourish extending to the right.

Keld B. Lauridsen
Hydrogeologist
Remediation & Redevelopment Program

cc: Susan Knabe, Northern Environmental Technologies, Inc.,
954 Circle Drive, Green Bay, WI 54304

January 21, 2002

Mr. Mohammed Aziz Ahmed
2626 Memorial Drive
Two Rivers, Wisconsin 54241-3624

Dear Mr. Ahmed:

Ground-water contamination that appears to have originated at 2626 Memorial Drive, Two Rivers exists on your property, located at 2626 Memorial Drive, Two Rivers, Wisconsin. The levels of naphthalene and trimethylbenzene contamination in ground water on your property are above the state ground-water enforcement standards found in chapter NR140, Wisconsin Administrative Code. However, the environmental consultants who have investigated this contamination, have informed me that this ground-water contaminant plume is stable or receding and will naturally attenuate over time. I believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726, Wisconsin Administrative Code, and I will be requesting that the Department of Natural Resources accept natural attenuation as the final remedy for this site and grant case closure. Closure means the Department will not be requiring any further investigation or cleanup action be taken, other than the reliance on natural attenuation.

The Department of Natural Resources will not review my closure for at least 30 days after the date of this letter. As an affected property owner, you have the right to contact the Department to provide any technical information that you may have that indicates closure should not be granted for this site. If you would like to submit any information to the Department of Natural Resources that is relevant to this closure request, you should mail that information to Keld Lauridsen, Post Office Box 10448, Green Bay, Wisconsin 54307.

If this case is closed, all properties within the site boundaries where ground-water contamination exceeds the chapter NR 140 ground-water enforcement standard will be listed on the Department of Natural Resources' geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where ground-water contamination above chapter NR140 enforcement standards was found at the time the case was closed. This GIS Registry will be available to the general public on the Department of Natural Resources' internet web site. Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect.

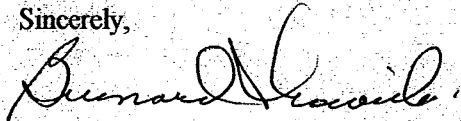
Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual ground-water contamination. Any well driller who proposes to construct a well on your property in the future will first need to call Diggers Hotline (1-800-242-8511) if your property is located outside of the services area of a municipally owned water system, or contact the Drinking Water program within the Department of Natural Resources if your property is located within the designated service area of a municipally owned water system to determine if there is a need for special well construction standards.

SOURCE
PROPERTY

Once the Department makes a decision on my closure request, it will be documented in a letter. If the Department grants closure, you may obtain a copy of this letter by requesting a copy from me, by writing to the agency address given above or by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at www.dnr.state.wi.us/org/at/et/geo/gwur. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

If you need more information, you may contact me at 920-459-4560, my consultant Lynelle Caine, Northern Environmental, at 920-592-8400, or Keld Lauridsen, Department of Natural Resources, at 920-492-5921.

Sincerely,



Bernard Nowicki
Quality State Oil Co., Inc.

c: Keld Lauridsen, Department of Natural Resources
Lynelle P. Caine, Northern Environmental

907719



Document Number

DEED RESTRICTION

RECEIPT# 5979

\$17.00 MISC

STATE OF WISCONSIN
MANITOWOC COUNTY
PRESTON JONES
REGISTER OF DEEDS
RECEIVED FOR RECORD
20 JUN 2002 8:45:28 AM

Declaration of Restrictions

In Re: That part of Lot Numbered Two (2) of the Subdivision of Government Lot Numbered One (1) of Section Numbered Eleven (11), Township Numbered Nineteen (19) North, Range Numbered Twenty-four (24) East, in the City of Two Rivers, included with the following boundaries, to wit:

Commence at a point where the line between said Lot 2 and Lot 1, in said Subdivision, intersects the Easterly line of the right-of-way of the Chicago & Northwestern Railway Company; thence Southwesterly along the Easterly line of said railroad company, 205 feet; thence Southeasterly on a line which will be at right angles with the Easterly line of State Trunk Highway 17; thence Northeasterly along the westerly boundary line of said State Trunk Highway to the point where it intersects the said line between Lot 1 and Lot 2 in said Subdivision; thence Northwesterly along said line between Lot 1 and Lot 2 in said subdivision back to the place of beginning.

PLEASE NOTE EXHIBIT A (MAP) ATTACHED.

Recording Area

Name and Return Address
Mohamed Aziz Ahmed
2626 Memorial Drive
Two Rivers, WI 54241-3624

17 ca 15 ca

53-211-101-000-1
Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF MANITOWOC)

WHEREAS, Mohammed Aziz Ahmed and Hamida H. Ahmed, Husband and wife, are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property.

Benzene contaminated soil remains at soil boring B900 at a concentration of 28 parts per billion (ppb) which is above the Wisconsin Administrative Code Chapter NR 720 Soil standard of 5.5 parts per billion for Benzene. Ethylbenzene contaminated soil remains at soil boring B1000 at a concentration of 29,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 4,600 ppb for Ethylbenzene. Naphthalene contaminated soil remains at soil boring B1000 at a concentration of 81,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 2,700 ppb for Naphthalene.

1,2,4-Trimethylbenzene contaminated soil remains at soil boring B1000 at a concentration of 240,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 83,000 ppb for 1,2,4-Trimethylbenzene. 1,3,5-Trimethylbenzene

contaminated soil remains at soil boring B1000 at a concentration of 94,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 11,000 ppb for 1,3,5-Trimethylbenzene. Toluene contaminated soil remains at soil boring B1000 at a concentration of 46,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 38,000 ppb for Toluene. Xylene contaminated soil remains at soil boring B1000 at a concentration of 390,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 42,000 ppb for Xylene. Refer to Exhibit A (Figure 3), attached and made part of this document for soil boring locations.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

A performance standard cap is required for all paved areas and building footprints on the property. The following activities are prohibited on that portion of the property described above where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1999).

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property



owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

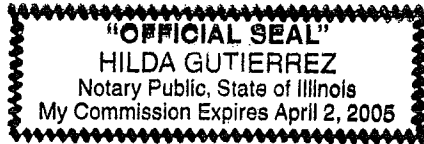
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 29th day of may, 2002.

X Signature: Mohammed A. Ahmed
Printed Name: MOHAMMED A. AHMED

WIFE X Signature: Hamida H Ahmed
Printed Name: HAMIDA H. AHMED

Subscribed and sworn to before me
this 29th day of may, 2002.

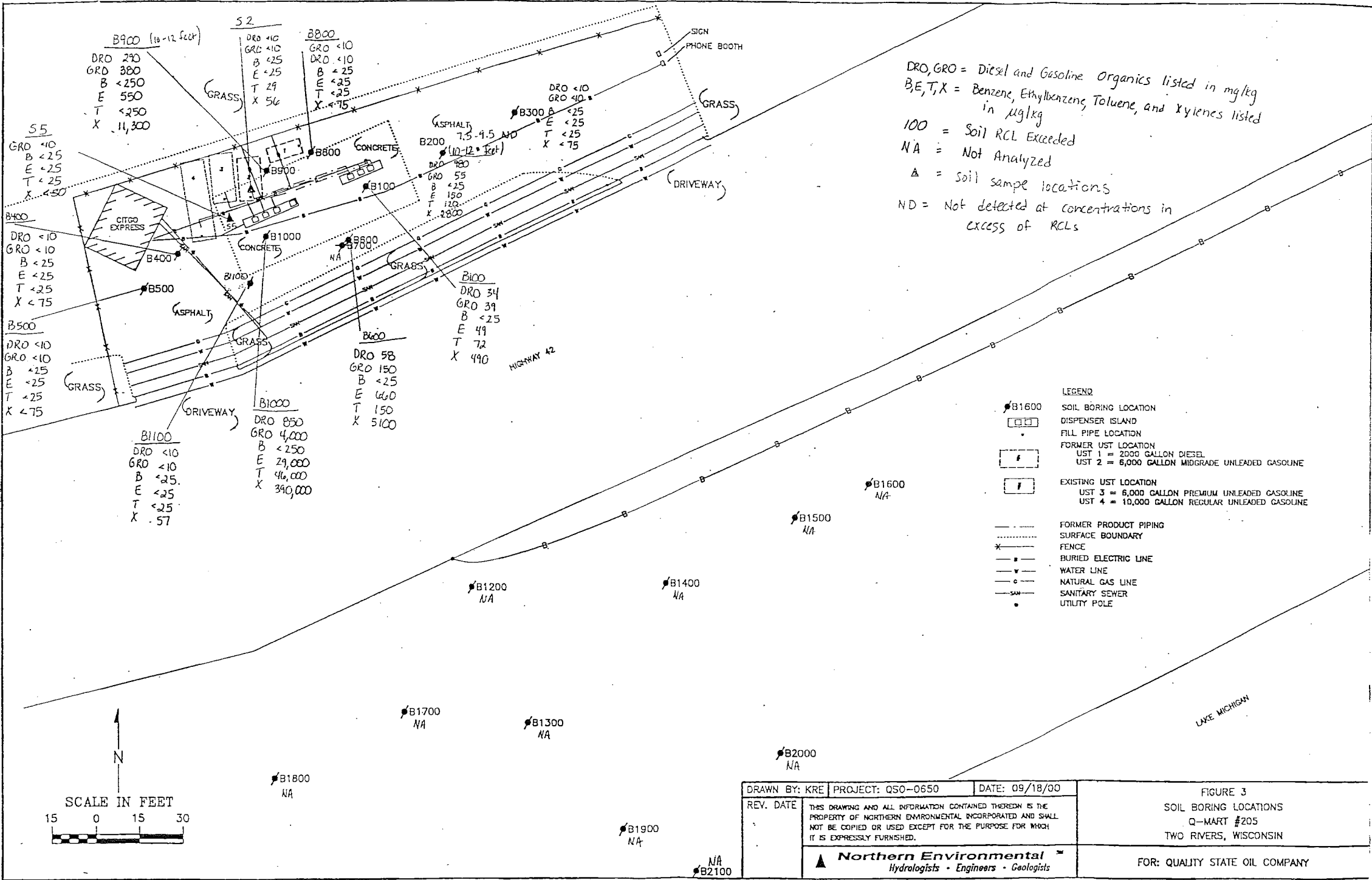
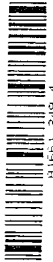
Hilda C Gutierrez
Notary Public, State of IL
My commission 4-2-2005



This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Quality State Oil Company, Inc.

(1658-124)
NOTE: THIS DEED RESTRICTION IS BEING RE-RECORDED DUE TO THE ABSENCE OF EXHIBIT A (MAP).





DRO, GRO = Diesel and Gasoline Organics listed in mg/kg
 B, E, T, X = Benzene, Ethylbenzene, Toluene, and Xylenes listed
 in ug/kg
 100 = Soil RCL Exceeded
 NA = Not Analyzed
 Δ = Soil sample locations
 ND = Not detected at concentrations in
 excess of RCLs

DRAWN BY: KRE	PROJECT: Q50-0650	DATE: 09/18/00
REV. DATE	THIS DRAWING AND ALL INFORMATION CONTAINED THEREIN IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.	
 Northern Environmental Hydrologists • Engineers • Geologists		



May 22, 2002
(QSO03-1408-0650)

Mr. Keld Lauridsen
Wisconsin Department of Natural Resources
Post Office Box 10448
Green Bay, Wisconsin 54307-0448

Re: Barrier Maintenance Plan, QSO Quality Q-Mart #205, 2626 Memorial Drive, Two Rivers,
Wisconsin; BRRTS #03-36-174861, PECFA Claim #54241-3624-26

Dear Mr. Lauridsen:

On behalf of Quality State Oil Co., Inc. and the new site owner, Mr. Mohommed Ahmed, Northern Environmental Technologies, Incorporated (Northern Environmental) is submitting a barrier maintenance plan as part of the case closure requirement for the property located at 2626 Memorial Drive, Two Rivers, Wisconsin (the Site).

Maintenance Plan

The existing asphalt barrier will be inspected on a quarterly basis by the Site owner. Paved areas will be examined for evidence of cracking, settling, potholes, erosion, and other damage. Damaged areas will be repaired within 30 days of discovery. A report describing the nature and extent of any damage to the barrier and subsequent repairs will be submitted to the Wisconsin Department of Natural Resources upon completion of these activities. Completed copies of written inspections will be maintained on-site. An example of the inspection form is enclosed.

We trust this information meets your needs. Please contact us at 920-592-8400 if you have any questions.

Sincerely,
**Northern Environmental
Technologies, Incorporated**

Lynelle P. Caine
Project Manager

LPC/amk
Enclosure

c: Mr. Bernie Nowicki, Quality State Oil Co., Inc.
Mr. Mohammed Ahmed

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name Citgo Express	BRRTS No. 03-36-174861
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Inspections are required to be conducted (see closure approval letter):

annually
 semi-annually
 other – specify _____

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
05/12/2023	Tauren Beggs - DNR	<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:	New pavement cap completed and existing pavement in decent condition. Existing building cap in decent condition.	Pavement was previously removed. Pavement was replaced in two areas on May 3, 2023.	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N

{Click to Add/Edit Image}

Date added: 05/12/2023



Title: Existing building foundation cap looking north.

{Click to Add/Edit Image}

Date added: 05/12/2023



Title: Replaced pavement & surrounding existing pavement cap looking NE

{Click to Add/Edit Image}

Date added: 05/12/2023



Title: Pavement cap looking across the property to the northeast

{Click to Add/Edit Image}

Date added: 05/12/2023



Title: Replaced paved area of former dispenser area looking northeast